

Palestine

ANALYSIS OF
BRITISH POLICY
IN PALESTINE

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ABRAHAM TULIN is a prominent New York attorney whose intimate connection with the Zionist movement predates the issuance of the Balfour Declaration in 1917. Since then he has been a close student of British Palestine policy. He has also taken an active interest in the economic upbuilding of Palestine, having acted as attorney for both Pincus Rutenberg and M. Novemeysky in the matter of the concessions which they respectively obtained for the hydro-electric development of the River Jordan and the exploitation of the mineral deposits of the Dead Sea. Mr. Tulin visited Palestine and studied its political and economic conditions in 1926.

During the first World War Mr. Tulin served as a Captain of Infantry in the United States Army in France. After the Armistice he served as an assistant to Herbert Hoover in the American Relief Administration and the Supreme Economic Council of the Peace Conference at Paris, going on a mission for Mr. Hoover to southern Russia and Armenia in the first half of the year 1919. From 1929 to 1931 Mr. Tulin was a member of the Administration of the Zionist Organization of America. He has also attended and participated in a number of international Zionist Conferences and Congresses in Europe from 1919 to 1933.

ANALYSIS OF BRITISH POLICY IN PALESTINE

FIVE official documents mark the course of the development of Great Britain's Palestine policy since 1917. These are:

The Balfour Declaration of the British wartime Government of 1917.

The Mandate under which Great Britain was entrusted with the administration of Palestine by the Supreme Council of the Allied and Associated Powers in 1920.

The Churchill White Paper of 1922.

The Passfield White Paper of 1930.

The MacDonald White Paper of 1939.

The last three documents—the so-called White Papers—were successive official interpretations by the British Government of the Balfour Declaration and the Mandate, and declarations of how it proposed to implement them thereafter. They are called the "Churchill" or the "Passfield" or the "MacDonald" White Paper, as the case may be, after the name of the Colonial Secretary at the time each of them was issued.

In the following pages these five documents are summarized and discussed in the order in which they were issued.

I THE BALFOUR DECLARATION

The British promise to the Jewish people first took official and concrete form in the famous Balfour Declaration which the British Government issued on November 2, 1917, *after it had been approved by President Wilson on behalf of the Government of the United States.* On February 14 and May 9, 1918, respectively, this Declaration was further publicly endorsed by the French and the Italian governments. Later, when the League of Nations was organized, it was adopted as the official policy of all the fifty-two member nations of the League. It was addressed to Lord Rothschild, then president of the English Zionist Federation, and reads as follows (author's italics):

"Foreign Office,
November 2, 1917.

"Dear Lord Rothschild,

"I have much pleasure in conveying to you on behalf of His Majesty's Government the following declaration of sympathy with *Jewish Zionist aspirations*, which has been submitted to and approved by the Cabinet:

"His Majesty's Government view with favour *the establishment in Palestine of a national home for the Jewish people*, and will use their best endeavours to *facilitate the achievement of this object*, it being clearly understood that nothing shall be done which may prejudice the *civil and religious* rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country."

"I should be grateful if you would bring this Declaration to the knowledge of the Zionist Federation.

"Yours sincerely,

(signed) Arthur James Balfour."

The background of this Declaration furnishes a sure guide to the meaning of its crucial terms, which are above italicized. Thus, "*Jewish Zionist aspirations*" were universally known to be the age old hope and prayer of the Jews the world over for the ultimate return of the exiles to the "Land of Israel" (Palestine). These aspirations were formulated at the first Zionist Congress at Basle in 1897, under the leadership of Theodor Herzl, as a concrete aim of practical politics in these words:

"Zionism aims to create a publicly secured, legally assured home for the Jewish people in Palestine."

It was at the same Congress that the Zionist Organization, composed of national Zionist Federations, was established with the object of bringing about the practical achievement of the Zionist aim thus formulated; and it was to the president of the English Zionist Federation, a component of the World Zionist Organization, that the Balfour Declaration was significantly addressed.

The meaning of the word "Palestine" in that Declaration was likewise well known and understood by all concerned. It meant *Palestine within its ancient historic boundaries on both sides of the River Jordan*. It is unnecessary to review the mass of evidence in support of this contention, in view of the unqualified statement on this subject by the Royal Commission of the British Government itself (the Peel Commission) which thoroughly investigated and reported on this and other matters relating to Palestine in 1937. Said the Royal Commission (Report, p. 38):

"The field in which the Jewish National Home was to be established was understood, at the time of the Balfour Declaration, to be the whole of historic Palestine, and the Zionists were seriously disappointed when Trans-Jordan was (later) cut away from that field . . ."

So also the words "*the Jewish people*" which were used in the Declaration were concededly intended to mean not merely the handful of some fifty odd thousand Jews who were at the time living in Palestine, but the Jews throughout the world, who were thus officially recognized as "a people."

Finally, the pregnant and much discussed phrase "the establishment in Palestine of a national home for the Jewish people" was unquestionably intended and understood to mean by all concerned that Palestine would ultimately become a "*Jewish Commonwealth*" or a "*Jewish State*," if only Jews came and settled there in sufficient numbers. The promise "*to facilitate the achievement of this object*" could only mean, of course, that at the least opportunities to come and settle in Palestine would be freely accorded to Jews for this purpose.

This is the conclusion of the Royal Commission itself, which is overwhelmingly supported by the evidence which the Commission quotes and refers to on pages 24 and 25 of its official Report. Thus, Mr. Lloyd George, Prime Minister of the Government which issued

the Declaration, testified before the Commission as follows (author's italics):

"The idea was, and this was the interpretation put upon it (the Declaration) at the time, that a *Jewish State* was not to be set up *immediately* by the Peace Treaty without reference to the wishes of the majority of the inhabitants. On the other hand, *it was contemplated that when the time arrived for according representative institutions to Palestine, if the Jews had meanwhile responded to the opportunity afforded them by the idea of a national home and had become a definite majority of the inhabitants, then Palestine would thus become a Jewish Commonwealth.*"

General Smuts, who was a member of the Lloyd George Government and Imperial British War Cabinet, publicly foretold on November 3, 1919, *an increasing stream of Jewish immigration into Palestine* and "in generations to come *a great Jewish State* rising there once more".

So also, as stated by the Royal Commission in its report (p. 25), "Lord Robert Cecil in 1917, Sir Herbert Samuel in 1919, and Mr. Winston Churchill in 1920 (all members of the Lloyd George Government) spoke or wrote in terms that could only mean that they contemplated the eventual establishment of a *Jewish State*. Leading British newspapers were equally explicit in their comments on the Declaration".

Finally, President Woodrow Wilson of the United States, who had a significant part in the framing and issuance of the Declaration by the British Government, stated on March 3, 1919,

"That the Allied Nations, with the fullest concurrence of our own (the American) Government and people, are agreed that in Palestine shall be laid the foundations of a *Jewish Commonwealth*."*

It is thus clear that the Balfour Declaration meant and was intended and understood to mean that the British Government would use its best endeavors to facilitate the establishment in Palestine, within its historic boundaries on both sides of the Jordan, of a national home for the Jewish people by *at least* giving Jews the opportunity to immigrate into Palestine and establish themselves in the country in ever increasing numbers, and that if and when they should become a ma-

*The above should be conclusive evidence that the explicit demand of the Biltmore Conference of American Zionists in May, 1942, for the establishment of a Jewish Commonwealth in Palestine after the present war, was not a new Zionist objective, but a demand for the performance of the Balfour Declaration and the Mandate.

majority of the population, Palestine within its historic boundaries would become a *Jewish State or Jewish Commonwealth*.

The reservations which followed this promise as to the safeguarding of the civil and religious rights of existing non-Jewish communities in Palestine and the rights and political status enjoyed by Jews in any other country are plain enough in meaning and detract nothing from the promise. It should be noted that it was only the *civil* and *religious* rights of existing non-Jewish communities in Palestine which were to be safeguarded. The word "political" was strikingly omitted in this connection, although it was used in the very next line of the Declaration, which refers to safeguarding the "rights and *political* status" enjoyed by Jews in other countries. This conspicuous fact, in a document of which the exact phrasing and wording were carefully pondered and considered over a period of more than six months by both the British and the American governments before it was issued, is of the utmost significance.

II

THE MANDATE

How the promise of the Balfour Declaration was to be implemented was specified in the Mandate allotted to Great Britain by the Supreme Council of the Allied Nations at San Remo on April 25, 1920, and then accepted by Great Britain, *for the express purpose of "putting it (the Declaration) into effect"* (see Report, Royal Commission, pp. 30-31). As regards this Mandate, which was subsequently approved by the Council of the League of Nations, it should first of all be noted that the Government of the United States claimed and was accorded the right to pass, and in fact did pass, upon its terms before they were finally fixed, and that the United States in that connection expressly gave up certain economic rights which it had in Palestine, including what is now Trans-Jordan, in the interests of the Jewish national home to be established there. This was later, in 1924, confirmed by a treaty between the United States and Great Britain which quotes the Palestine Mandate, as approved by the United States, in full, and contains the significant provision that nothing in the treaty shall be affected by any modification which may later be made in the terms of the Mandate

unless such modification shall have been first assented to by the United States.

The Preamble to the Mandate states that the Principal Allied Powers have agreed, "for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations," to entrust the administration of Palestine, within such boundaries as may be fixed by them,* to his Britannic Majesty as Mandatory, and then continues as follows:

"Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

"Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country" . . .

The Preamble thus clearly sets forth the principal object for which the administration of Palestine was entrusted to Great Britain, namely, the establishment in Palestine of a national home for the Jewish people because of the historical connection of that people with Palestine and of other "grounds for *reconstituting* their national home in that country." The Mandate then proceeds to specify the following explicit duties and obligations of the Mandatory in order to assure the achievement of this object:

"ARTICLE 2.

"The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

"ARTICLE 4.

"An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of

*These boundaries were fixed a few months later, in December, 1920, so as to include Trans-Jordan, as shown below.

the Administration, to assist and take part in the development of the country.

"The Zionist organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home."

"ARTICLE 6.

"The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes."

"ARTICLE 7.

"The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine."

"ARTICLE 11.

"The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

"The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration."

"ARTICLE 22.

"English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew, and any statement or inscription in Hebrew shall be repeated in Arabic."

"ARTICLE 25.

"In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18."

As appears from a careful reading of the above quoted articles of the Mandate, the Mandatory power was expressly instructed thereby and undertook to place Palestine under such political, administrative and economic conditions as would secure the establishment of the Jewish National Home while safeguarding the *civil* and *religious* rights of all the inhabitants of the country. The Mandatory was instructed and agreed to do this with the advice and cooperation of a Jewish agency to be recognized as a public body for that purpose. It was furthermore specifically instructed and it agreed to *facilitate Jewish immigration* into Palestine; to encourage *close settlement by Jews on the land "including state lands and waste lands not required for public purposes"*; and to facilitate the acquisition of Palestinian citizenship by Jews who should come to live in Palestine permanently. The Mandate provided for the right of the Jewish agency to assist in the development of the country; including the right to construct or operate any public works, services and utilities, and to develop any of the natural resources of the country, "in so far as these matters are not directly undertaken by the administration." Finally, Hebrew was to be one of the three official languages of Palestine.

There was thus provided and set forth a generally rounded scheme for the effectual implementation of what is unquestionably the primary object of the Mandate, namely, the establishment of the Jewish National Home as promised in the Balfour Declaration.

The Mandate, furthermore, did not neglect the reservations of the Declaration concerning the safeguarding of the civil and religious rights of the existing non-Jewish communities in the land. These were provided for by the following articles, which are worthy of quotation in full, not only for what they say, but also for what they do not say:

"ARTICLE 9.

"The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

"Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs (Moslem religious and charitable foundations) shall be exercised in accordance with religious law and the dispositions of the founders."

"ARTICLE 15.

"The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

"The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired."

"ARTICLE 16.

"The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality."

"ARTICLE 23.

"The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities."

These articles, it will be noted, guaranteed to all the inhabitants of Palestine alike full religious and civil rights and, in addition, "respect for the *personal status* of the various peoples and communities and for their religious interests". At no point is there any reference to special *political* or *national* rights of the Arabs. Indeed, the word "Arab" does not occur at all in the Mandate. The native Palestinians other than Jews are referred to throughout as *non-Jews*.

A comparison of the four last quoted articles of the Mandate relating to the civil and religious rights of the non-Jewish community, with the Preamble and the seven articles first above quoted, providing

for the specific implementation of the promise to establish the Jewish National Home, completely repudiates the much later claim of the British Government that its obligations to the Jews and to the Arabs in Palestine under the Mandate are alike. As succinctly stated in a recent scholarly and objective non-Jewish study of the subject published by the American Council of Public Affairs (Hanna, *British Policy in Palestine*, p. 67-68) :

"It required . . . a transposition of the terminology of the Mandate by the transfer of secondary and subordinate clauses into primary positions to give a real duality to the instrument. The plain sense of the document was inescapable. It sought to foster the establishment of a Jewish National Home, while safeguarding, so far as may be compatible with that purpose, the rights and well being of the non-Jewish population".

III

THE CHURCHILL WHITE PAPER

The very small Arab Nationalist group in Palestine which in 1922 was limited almost entirely to the Effendi (the feudal aristocracy), did not approve of either the Balfour Declaration or the Mandate and promptly incited some of their ignorant and fanatical followers to protest by riot and murder. These riots were at first quite small and might easily have been suppressed, and the incitement of the few Effendi ringleaders stopped, by a firm stand on the part of the British Administration. That Administration, however, headed by Sir Herbert Samuel, chose instead to follow a policy of appeasing the Arab extremists. This policy in varying degrees has characterized the Palestine Administration ever since.

In order to appease these extremists, the Administration not only failed to carry out some of the most important directives of the Mandate but acted in direct violation of them. Thus, instead of making available state and waste lands for close settlement by Jews as required by Article 6, the Administration transferred for a mere pittance a large block of very fertile but unoccupied state land in the vicinity of Beisan to Arabs, many of whom proceeded to speculate with the land, reselling it at very high prices. No allotment of these lands was made to Jews at all. The High Commissioner furthermore kept in high office

under him avowed anti-Zionist British officials who encouraged the extremist Arab opposition to the declared policy of the British Government. Finally, he appointed Haj Amin al-Husaini, a prominent Arab agitator who had been sentenced to two years' imprisonment for instigating the Nebi Musa anti-Jewish riots in Jerusalem in 1920, to the all-important post of Mufti of Jerusalem and later raised him to even greater eminence, at a salary of £3000 a year paid by the State. This is the infamous "Grand" Mufti who inspired every subsequent disturbance in Palestine and who since the outbreak of the present war has been exhorting the Moslems of Palestine and North Africa by radio from Berlin and Rome to revolt and take up arms against the British and the United Nations.

The inevitable results of the Administration's appeasement policy followed almost immediately. The Arab extremists, seeing that they could gain their point by terroristic methods, staged a murderous assault upon the Jews in Jaffa and other places in May, 1921, with the active assistance and cooperation of the Arab government police. The Administration thereupon temporarily suspended Jewish immigration into the country, which was precisely what the Arab extremists wanted, and furthermore assured them that their interests would not be prejudiced in favor of the Jews. A few months later the ban on Jewish immigration was removed; but an Ordinance was issued rigidly limiting it. Nor was that all. The Arab extremists continued their pressure in various forms and the Administration continued to yield. It offered the Arabs a partially elective legislative council, which they rejected. Finally, the British Government, at the instance of the Palestine Administration, issued an interpretation of the Balfour Declaration on July 1, 1922, known as the Churchill White Paper. Given only two weeks' notice to agree to the White Paper, the World Zionist Executive was unable to consult the World Zionist Congress, which alone would have had the right to decide on so grave a matter. Under the implied threat that the Mandate, which was at the point of being confirmed by the League of Nations, would be nullified or withdrawn, the Zionist Executive was forced to concur.

It is extremely significant that only the day before the publication of the Churchill White Paper, that is, on June 30, 1922, both Houses of the United States Congress unanimously adopted a Joint Resolution declaring "that the United States of America favors the establishment in Palestine of a national home for the Jewish people," etc., in the exact words of the Balfour Declaration.

The Churchill White Paper marked the beginning of the process of whittling down the promise of the Balfour Declaration. The document denied that the British Government intended to create a predominantly Jewish State in Palestine and asserted that what was contemplated was not "that Palestine as a whole should be converted into a Jewish National Home, but that such a home should be founded *in Palestine*". It proceeded to define the meaning of the Jewish National Home as "a center in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride".—in other words, a Jewish cultural center. However, the Churchill White Paper recognized that there was then only a beginning of this "center" and stated that it should be allowed to develop further. It further declared: "In order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine *as of right and not on sufferance*."

The Paper furthermore announced that future Jewish immigration would be governed by "the economic capacity of the country to absorb new arrivals." Thus "economic absorptive capacity" became the yardstick by which Jewish immigration was to be measured. However, as developed later, the Palestine Administration frequently judged the "economic absorptive capacity" of Palestine at any given period from the viewpoint of *political considerations*.

Finally, and most important of all, the Churchill White Paper, by declaring that Palestine west of the Jordan was excluded from the promises made to the Sherif of Mecca, for the first time indicated that Trans-Jordan was to be omitted from the area to which the Jewish National Home clauses of the Mandate were to apply.

The inferential exclusion of Trans-Jordan from the National Home was soon followed by its establishment as a separate Arab state closed to the Jews, under the kingship of the Emir Abdullah, one of the sons of the Sherif of Mecca. A few words are in order as to the real reason why this drastic surgical operation was performed on the National Home in plain violation of the pledged word of Great Britain and at such great cost to the Jews; for Arab discontent with the Jewish National Home policy was only the pretext for the act and not its real cause.

In 1915-1916 the British Government made a promise to the Sherif of Mecca, King of the Hedjaz, to set up an independent Arab state or states within certain vaguely defined territories of the old Turkish Em-

pire in the event of an Allied victory in the World War then raging, if the Sherif would cause his Arab followers to revolt and fight on the side of Great Britain in that war. Some of the Sherif's followers in Arabia proper then actually did join the Allies under the leadership of the Sherif's son, Prince Feisal. Not so, however, the Arabs of Palestine, including Trans-Jordan, who, on the contrary, either fought in the Turkish armies *against* the Allies or else remained neutral at home. After the issuance of the Balfour Declaration on November 2, 1917, the Sherif of Mecca was clearly advised by the British Government (in January, 1918) that the Balfour Declaration would be put into effect in Palestine, which was to be excluded from the area in which the Arabs were to be permitted to organize their independent state or states.* The Sherif at that time demurred; but later, on January 3, 1919, his son Emir Feisal, "representing and acting on behalf of the Arab Kingdom of Hedjaz", actually signed a formal treaty with Dr. Weizmann, representing the World Zionist Organization, pledging cordial cooperation between "the Arab state and Palestine", the full acceptance by the Arabs of the Balfour Declaration, and the encouragement of the immigration of Jews into Palestine on a large scale and their rapid settlement on the land. Emir Feisal, however, added a post-script to the effect that this treaty was conditioned on the fulfillment of the promises which his father had been given for the establishment of an independent state or states in the Arab territories of the Near East outside of Palestine.

The question of an independent Arab state or states was unfortunately complicated by the claims of the French, who were reluctant to give up their sphere of interest in Syria. The result was the granting of the mandate over Syria to the French and the ousting of Feisal from that country, where he had in the meantime installed himself as king. The British thereupon made Feisal ruler of the vast Arab country now known as Iraq, and the matter might have rested at that to the satisfaction of all concerned were it not for the following two facts: (1) That the Palestine Administration was unwilling to take measures to control the wild Bedouin tribes of Trans-Jordan in their habitual depredations and tried to appease them by vague promises, and (2) that Feisal's brother Abdullah also insisted on being given a land to rule somewhere. The British accordingly cut Trans-Jordan off from Palestine, excluded it from the area of the promised Jewish National Home and installed Abdullah there as Emir, notwithstanding the Bal-

*See Hanna, *British Policy in Palestine*, pp. 24-25.

four Declaration, the fact that Trans-Jordan was formally placed within the British Mandate for Palestine in December, 1920, by a frontier convention then entered into between the British and the French governments, and that the British Colonial Office itself actually decided in February, 1921, to "include Trans-Jordan in Palestine, to make it indistinguishable from Palestine and to open it to Jewish immigration".*

In order to justify themselves at least to some degree, the British in 1922 reversed the position which they had theretofore consistently maintained, namely, that Trans-Jordan had never been promised to the Sherif of Mecca, and suddenly asserted by implication in the Churchill White Paper that it actually had been so promised!

The excision of Trans-Jordan from Palestine was not accomplished all at one stroke, for the British at first merely entrusted Abdullah with its administration for a six-month period. This temporary agreement, however, drifted into permanency.

This arbitrary division of historic Palestine into two separate lands, from one of which the Jews were excluded, was the most serious wrong done to the Jewish people by the Churchill White Paper. It should be noted, however, that so far as the truncated Palestine which was left was concerned, the British still apparently meant to adhere to the policy of the Balfour Declaration. Indeed, Churchill himself testified before the Peel Commission in 1937 that there was "nothing in it (the Churchill White Paper) to prohibit the ultimate establishment of a Jewish State in Palestine" as thus reduced in size.†

IV

THE PASSFIELD WHITE PAPER

The Arab agitators, having thus scored a victory, were by no means satisfied but continued their agitation. In answer, the British Administration offered them still more appeasement. The subject of a legislative council was once more broached, but without avail. Nothing serious happened between the years 1923 and 1929. Jewish immigration flowed into Palestine despite restrictive Ordinances and other difficulties interposed by the Government. Jewish industrial enterprises and

*Hanna, *British Policy in Palestine*, p. 75.

†Report, Royal Commission, p. 33.

farm settlements kept on multiplying and increasing, though at a slackening pace now and then due to various causes, and the face of the barren, long neglected and malaria-ridden land was rapidly being transformed by the loving care and energy of Jewish labor and the inflow of Jewish capital.

This progress was encouraged by Field Marshal Lord Plumer, who was appointed High Commissioner in 1925 to succeed Sir Herbert Samuel. Lord Plumer, a British soldier who had the quality of firmness in his character, knew how to keep the peace. When an Arab delegation told him, shortly after he reached Jerusalem, that they could not guarantee order in the country if the Balfour Declaration were not recalled, he calmly replied that he, and not they, would be responsible for the maintenance of order. The result was that there were not even any attempts to create disorder during his term of office.

In the first year of Plumer's Administration, Jewish immigration into Palestine reached the then high mark of 33,801; and although immigration was thereafter restricted by regulations, they were due rather to an economic depression in Palestine than to any outright policy of appeasing the Arabs. When the depression was over, the restrictions on immigration were eased.

Lord Plumer was succeeded by Sir John Chancellor as High Commissioner in December, 1928; whereupon the Arab agitators, who had lost influence with their own people during the Plumer Administration, recommenced their agitation, using religious fanaticism as the goad. The "Grand" Mufti and his clique spread a report that the Jews intended to attack and demolish the Moslem holy places, including the Mosque of Al-Aqsa and the sacred Dome of the Rock. This led at first to an Arab demand that the Jews be denied their age-old right to pray at the Wailing Wall. In answer to this demand the new High Commissioner unfortunately showed timorous indecision. The Arab agitators, promptly sensing that the atmosphere was once more favorable to their schemes, openly inflamed the ignorant fellahin against the Jews without let or hindrance from the British. The inevitable explosion occurred in August, 1929. Jews were massacred by Arab mobs in Jerusalem, Hebron, Safed and other places. A total of 133 Jews were killed, while 116 Arabs also died as the result of the very much belated intervention of the British military authorities.

The worldwide outcry which then arose caused the London Government to appoint a four-man Commission of Inquiry in September, 1929, known as the Shaw Commission. The evidence adduced before it

by the Jews tended to put the ultimate responsibility for the massacres on the British Palestine officials; but the majority of the Commission whitewashed the British officials and even the chief Arab instigator, namely, the Mufti. The majority report furthermore went beyond the scope of the Commission's authority, as defined by its terms of reference, and volunteered the recommendations that (1) Jewish immigration and land acquisition should be still further restricted by legislation for the alleged reason that "there is no further land available which can be occupied by new immigrants without displacing the present population"; and (2) that a new statement of policy should be issued by the British Government defining its attitude toward "the second part of the Balfour Declaration and . . . those provisions in the Mandate, which being based upon that part of the Declaration, provide for the safeguarding of the rights of the non-Jewish communities in Palestine".

One member of the Commission, Mr. Harry Snell, now Lord Snell, vigorously dissented from both the findings and the recommendations of his colleagues.

Thus was born at this late date (1930) the doctrine that the subsidiary safeguarding clauses of the Balfour Declaration in effect offset and contradicted the positive promise to establish the Jewish National Home in Palestine. Prime Minister Ramsay MacDonald promptly approved this new doctrine in a statement on April 3, 1930. His Government, however, decided to delay a general new statement of policy until it had received a report on economic conditions in Palestine from Sir John Hope Simpson whom it appointed to investigate the situation. However, before Sir John Hope Simpson had a chance to make his investigation, the British representative before the Permanent Mandates Commission of the League of Nations announced that the recommendations of the Shaw Report were being favorably considered by his Government. The Permanent Mandates Commission, after a full special hearing in June, 1930, rejected this Report and blamed the Palestine Administration for the 1929 massacres; some of its members pointing out in addition that the suspension of Jewish labor immigration into Palestine was unwise and calculated to strengthen the uncompromising attitude of Arab agitators.

Sir John Hope Simpson spent only about two months in Palestine and then issued a report which astonished and dismayed the Jewish world. The general tenor of it was that there was not enough land in Palestine for both the Arabs and the Jews and that the Jews had al-

ready displaced large numbers of Arabs from the land; that the industrial enterprises which the Jews had established in Palestine were unsound and would not last; that the social experiments of the General Federation of Jewish Labor were valueless; that no further Jewish labor should be admitted into the country so long as there were any Arabs in it who were unemployed, and finally, that further land transfers from Arabs to Jews should be restricted pending the drafting and introduction of a comprehensive program of agricultural development designed to resettle the allegedly displaced Arabs upon the land.

The Ramsay MacDonald government published this report together with a new statement of policy, known as the Passfield White Paper, on October 20, 1930. This White Paper announced in substance that the assertions and recommendations of the Shaw Commission and the Hope Simpson report had been adopted by the Government and would be put into effect. It categorically accepted and promulgated the new doctrine that the Mandatory Power had equal obligations to the Arabs and the Jews under the Mandate. The White Paper further announced that a legislative council modeled on the long-past discarded lines proposed by Sir Herbert Samuel in 1922 would be established in Palestine; that in estimating the economic absorptive capacity of the country, account would henceforth be taken of Arab as well as of Jewish unemployment; that Jewish immigration into the country would be still more stringently limited and controlled, and, finally, that there was no more land available in the country for further Jewish agricultural settlement except vacant areas already in the possession of the Jews.

The storm of denunciation which this White Paper aroused all over the world, not only among Jews but among prominent and informed non-Jews as well, clearly demonstrated the universal feeling that the MacDonald Government had committed a gross breach of faith and fair dealing. Among those who led the denunciation were Lord Balfour himself, who signed the original Declaration of 1917 on behalf of the British Government; Dr. Weizmann, Lord Melchett and Felix Warburg, who resigned from their official positions in the Jewish Agency in protest, and such leaders of the Conservative Party in England as Stanley Baldwin, subsequently Prime Minister; Austen Chamberlain, subsequently Secretary of State for Foreign Affairs, and Leopold S. Amery, formerly Colonial Secretary. These last three statesmen published an open letter accusing the MacDonald Government of

issuing a statement the spirit of which was contrary to the Balfour Declaration, the view of the Permanent Mandates Commission and British policy for the preceding twelve years. Field Marshal Smuts telegraphed MacDonald from South Africa urging an immediate repudiation of the White Paper. Lord Hailsham, formerly Lord High Chancellor of England, and Sir John Simon, formerly Attorney General and now Lord High Chancellor in the Churchill Government, published a letter in the London "Times" attacking the Passfield Paper as clearly violative of the terms of the Mandate.

Former Prime Minister David Lloyd George brought the matter up in Parliament, where he insisted that the establishment of the Jewish National Home was the *dominant obligation* of the Balfour Declaration which his Government had issued. Sir Herbert Samuel, too, then back in the House of Commons, joined in the attack on the White Paper. So did such prominent members of MacDonald's own Labor Party as Harry Snell and Joseph Kenworthy.

In the face of these protests, the MacDonald Government felt itself compelled to retreat somewhat. Dr. Weizmann was accordingly assured by Lord Passfield that he had misunderstood the White Paper and that there was no intention of crystallizing the Zionist settlement at its existing stage of development. MacDonald informed Parliament that there would be no change of policy toward the Mandate, which would be strictly observed. Finally, on February 13, 1931, MacDonald published a letter to Dr. Weizmann which specifically recognized that the Palestine Mandate embodied an obligation to the whole Jewish people and not merely to the Jewish community resident in Palestine, that existing conditions in that country would not be frozen and that further land acquisition by the Jews would not be prevented. It furthermore gave assurances that the considerations controlling the determination of the absorptive capacity of the country in the future would be purely *economic*, and that the needs of new enterprises which the Jews might establish there would be taken into account in allotting immigration schedules.

This letter was conciliatory in tone and did much to sweep away the spirit of hostility to the Jewish National Home which permeated the original Passfield White Paper.

For some five years after the modification of the Passfield White Paper by Ramsay MacDonald's Letter, substantial peace reigned in Palestine and the country underwent a truly remarkable development. Jewish capital and Jewish immigration continued to flow in at an accelerated pace. Despite the restrictive efforts of the Palestine Admin-

istration, the country's rapid development completely disproved the assertions of the Shaw Commission and of Sir John Hope Simpson in 1930 that the country then had virtually reached the limit of its economic absorptive capacity. An index of this is to be found in the fact that the country readily absorbed over 30,000 Jewish immigrants in 1933, over 42,000 in 1934, and over 61,000 in 1935, in addition to many tens of thousands of Arab immigrants from neighboring countries. These figures represent the authorized immigration. In addition, there were tens of thousands of uncertificated Jewish immigrants during those years. For the Jews, fleeing from intolerable conditions in Nazi Germany, kept coming in through the back door of Palestine, (without the authorization of the Administration), when they found the front door locked against them.

The ensuing prosperity of the country benefited Jews and Arabs alike. The value of Palestinian exports steadily rose, due to the enterprise of Jewish labor and capital; and the Palestine government actually accumulated a surplus from taxation by April, 1936, amounting to no less than £6,267,000. The taxes which went to provide the Government with this comparatively large surplus over and above its large expenditures were paid mostly by the Jews.

By striking comparison, Trans-Jordan, which concededly has great agricultural and commercial possibilities if properly developed, but from which the Jews have been excluded, remained and remains to this day a poverty-stricken, primitive and greatly underpopulated country; toward the cost of governing which, small as such cost is, the British Treasury in London has been regularly compelled year after year to contribute grants-in-aid at the expense of the taxpayers of England.

Another basic contention of the Shaw Commission and Hope Simpson—that large numbers of Arabs had been displaced from the land by the influx of Jews—was officially shown to be false when in April, 1932, Lewis French, who had been appointed Director of Development in Palestine to devise a scheme for the resettlement of the so-called displaced or landless Arabs upon the land, reported, after a thorough investigation, *that the number of such Arabs throughout the years of Jewish land acquisition since 1920 did not exceed 664 families.* To this very small number of families land was then actually offered by the Palestine Administration. Very few of them, however, accepted the offer. The Government Report states that all registered Arabs of this class who were ready to take up holdings upon Government estates had been accommodated by the end of 1934.

THE MACDONALD WHITE PAPER OF 1939

The prosperity and development of Palestine which the Jews had brought about, with its resultant benefits to the *mass of the Arabs*, spelled obvious danger to the feudal domination of the Arab Effendi class. This caused the extremists among them to renew their agitation against the Jewish National Home, and renewed disorders occurred in 1933. These were quickly suppressed. During the next three years the Effendi agitators were fairly effectively checkmated; but when Sir Arthur Wauchope, the new High Commissioner, on January 29, 1936, responded to their protest against any further Jewish immigration with the categorical statement that "there can be no question of the total stoppage of Jewish immigration into Palestine," they resorted to the extreme measure of proclaiming an Arab general strike. This was followed by disorders which the Administration unfortunately hesitated to repress with the necessary force. Finally, in May, 1936, some sixty Arab agitators were arrested and placed under police supervision. In June some of the more prominent leaders among them were interned in a detention camp. Other measures were belatedly taken by the Administration in an effort to end the troubles. These measures did not prove entirely successful, however, because of a new element which entered the situation.

This new element was the financial and other support afforded certain organized Arab bands by the German and the Italian dictators, in collusion with the Mufti and his followers, for the express purpose of fomenting revolt in Palestine against the British. It was in fact a part of the Axis preparation for war against England, although the English did not recognize it as such at the time. The bandits wreaked havoc upon and murdered not only Jews, but also peaceful Palestinian Arabs—in fact very many more Arabs than Jews; and the Administration seemed unable to stop the murder and pillage.

The London Government then appointed still another investigating Commission under the chairmanship of Lord Peel. The report of this Commission is above referred to as the Royal Commission Report. It was issued in 1937 and is in many respects a singularly honest and straightforward document. It recited the history and true intent of the Balfour Declaration, as above set forth. It swept away the improvised

doctrine of the Passfield White Paper—that the Mandatory was under equal obligations to the Arabs and the Jews under the Mandate—with the unqualified statement, based on a thorough analysis and review of the history of the document, that

“Unquestionably . . . the primary purpose of the Mandate, *as expressed in its Preamble and its articles*, is to promote the establishment of the Jewish National Home”. (Author’s italics.)

It furthermore demolished once and for all the thesis of the earlier Shaw Commission and of Sir John Hope Simpson, that the limit of Palestine’s economic absorptive capacity had already been reached in 1929—a thesis which had been proved groundless by events—with the following frank and conclusive statement:

“So far from reducing ‘economic absorptive capacity’, immigration increased it. The more immigrants came in, the more work they created for local industries to meet their needs, especially in building; and more work meant more room for immigrants under the ‘labour schedule’. Unless, therefore, the Government adopted a more restrictive policy, or unless there were some economic or financial set-back, there seemed no reason why the rate of immigration should not go on climbing up.”

The Commission, however, came to the conclusion that owing to the continuing intransigence of the Arabs, the Mandate had become unworkable and must be abrogated. It accordingly recommended the division of Palestine and Trans-Jordan into three regions, one of which, including that part of Palestine lying north of Beisan and the entire coastal region north of a point half way between Jaffa and Gaza, should be set up as a Jewish sovereign state. Another region, comprising the rest of Palestine except certain designated cities, with the whole of Trans-Jordan, were to constitute an independent Arab state; while Jerusalem and three other “holy” cities, together with a corridor to the sea from Jerusalem to Jaffa, were to remain under permanent British mandate.

This scheme of partition was received with dissatisfaction by both Jews and Arabs, although the World Zionist Congress, while rejecting the scheme as outlined, left the door open to negotiations for a more satisfactory arrangement. The British Government, however, on July 7, 1937, issued a White Paper announcing its adoption of the partition scheme on the general lines recommended by the Peel Commission. This White Paper further announced the immediate stoppage of further Jewish land purchases and the limitation of the number of Jews to be admitted to Palestine up to March, 1938, to no more than 8,000.

This startling action of the Chamberlain Government aroused a new wave of Jewish protest the world over. It furthermore met opposition at the hands of the British Parliament and the Permanent Mandates Commission. The utter impracticability of the partition scheme was pointed out by numerous prominent leaders of British life. Finally, the intransigent Arab agitators, led by the Mufti, wholly rejected the scheme and renewed their inflammatory agitation, with resultant new Arab disturbances.

The disturbances this time, however, were marked by the assassination, not of some inoffensive Jews or even Arabs, but of a high British Palestine official and his police escort on September 26, 1937. The Palestine Administration then immediately removed the notorious Mufti from his official positions, thus separating him from his state salary of £3000 a year and also from control of the large Moslem religious and charitable funds. The next day the Administration issued warrants for the arrest and deportation of the chief Arab leaders, including the head of the Mufti's party. The Mufti himself escaped from Palestine to Syria, whence he later continued his escape to Iraq and finally to the protection of Hitler in Berlin. The other agitators were deported to the Seychelles Islands.

The British Government in London then proceeded with its plans to implement the partition scheme. But a Commission appointed for that purpose under the chairmanship of Sir John Woodhead, finally reported on November 9, 1938, that the scheme was impracticable, and suggested instead that if any partition scheme was to be put into effect at all, the area of the Jewish state should be still further limited in size. The Government thereupon announced the abandonment of the whole idea, and invited representatives of the Jews and the Palestine Arabs, *as well as of the Arabic countries around Palestine*, to confer with it in London with a view to elaborating another solution of the Palestine problem on an amicable basis.

The conference thus summoned opened in London on February 7, 1939, with delegations from the Arab states surrounding Palestine and from two separate groups of the Palestine Arabs themselves, and representatives of world Jewry. The conference accomplished nothing, dragging its weary course on until March 17, 1939, when it was brought to an end. The Chamberlain Government's proposals to the conference were clearly motivated by the same policy of appeasement which not long before had vainly sacrificed Czechoslovakia to Hitler. They were heavily weighted against the Jews in the hope of securing

the cooperation of the Arab countries around Palestine on the side of England in the forthcoming war, which was already casting its shadow over the world. The confident Arabs rejected even these proposals. The Chamberlain Government then decided to put them into effect anyway; and on May 17, 1939, issued still another White Paper, known as the MacDonald White Paper, so called after Malcolm MacDonald, son of Ramsay, then Colonial Secretary. A summary of its devastating provisions follows:

(1) It declared unequivocally "that it is not part of their (the British Government's) policy that Palestine should become a Jewish State"; asserting that it would be contrary to the Government's obligations to the Arabs under the Mandate to make the Arab population of Palestine "subjects of a Jewish State against their will."

(2) It declared the intention of the Government to establish Palestine as an *independent state* at the end of ten years, with certain vague safeguards for the rights of the Jewish minority then resident in the country. That state, when established, would of course be an Arab State, since the Jews would then constitute no more than a third of the population pursuant to certain express provisions of the White Paper below summarized. In the meanwhile, the several peoples of Palestine would be given an increasing part in the government of the country in proportion to their numbers.

(3) It expressly repudiated the undertaking contained in Ramsay MacDonald's letter to Dr. Weizmann of 1931 and in repeated assurances of the British Government to the League of Nations to the effect that the extent of Jewish immigration into Palestine would be limited only by the *economic* absorptive capacity of the country, and announced instead that *political considerations* would in addition thenceforth be taken into account in the matter. It accordingly announced that further expansion of the Jewish National Home by immigration would be permitted *only if the Arabs should consent to it*. As a sop to the Jews, however, it declared that the Government would permit further Jewish immigration *up to but not beyond the point where the Jews of Palestine will constitute "approximately one-third of the total population of the country"*; thus ensuring that the Jews would remain a permanent minority. It further arbitrarily fixed the maximum number of such additional immigrants at 75,000 and provided that they would be admitted into the country at the rate of not more than 10,000 a year for the next five years, if the economic absorptive capacity of the country

allowed of such admissions, plus an additional 25,000 Jewish refugees from Hitlerism "as soon as the High Commissioner is satisfied that adequate provision for their maintenance is ensured". The White Paper explicitly declared that after this five-year period "*no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it.*"

(4) It clothed the High Commissioner with powers to prohibit and regulate further transfers of land from Arabs to Jews.

How the policy thus enunciated squares with the Balfour Declaration and the Mandate can best be determined from the comments on this policy by Mr. Winston Churchill on the floor of the House of Commons on May 23, 1939, before he became a member of the British War Cabinet:

"I feel bound to vote against the proposals of His Majesty's Government. As one intimately and responsibly concerned in the earlier stages of our Palestine policy, I could not stand by and see solemn engagements into which Britain has entered before the world, set aside for reasons of administrative convenience or—and it will be a vain hope—for the sake of a quiet life. I should feel personally embarrassed in the most acute manner if I lent myself, by silence or inaction, to what I must regard as an act of repudiation . . . I was from the beginning a sincere advocate of the Balfour Declaration, and I have made repeated public statements to that effect . . .

"There is much in this White Paper which is alien to the spirit of the Balfour Declaration, but I will not trouble about that. I select the one point upon which there is plainly a breach and repudiation of the Balfour Declaration—the provision that Jewish immigration can be stopped in five years' time by the decision of an Arab majority . . .

What is that but the destruction of the Balfour Declaration? *What is that but a breach of faith?* (Author's italics.) What is it but a one-sided denunciation—what is called in the jargon of the present time, a unilateral denunciation of an engagement? . . .

"Is our condition so parlous and our state so poor that we must, in our weakness, make this sacrifice of our declared purpose? Although I have been very anxious that we should strengthen our armaments and spread our alliances and so increase the force of our position, I must say that I have not taken such a low view of the strength of the British Empire or of the very many powerful countries who desire to walk in association with us; but if the Government, with their superior knowledge of the deficiencies in our armaments which have arisen during their stewardship, really feel that we are too weak to carry out our obligations and wish to file a petition in moral and physical

bankruptcy, that is an argument which, however ignominious, should certainly weigh with the House in these dangerous times. But is it true? I do not believe it is true. I cannot believe that the task to which we set our hand twenty years ago in Palestine is beyond our strength, or that faithful perseverance will not, in the end, bring that task through to a glorious success. I am sure of this, that to cast the plan aside and show yourselves infirm of will and unable to pursue a long, clear and considered purpose, bending and twisting under the crush and pressure of events—I am sure that that is going to do us a most serious and grave injury at a time like this . . .

"What will the world think about it? What will our friends say? What will be the opinion of the United States of America?

"What will our potential enemies think? What will those who have been stirring up these Arab agitators think? Will they not be encouraged by our confession of recoil? Will they not be tempted to say: 'They're on the run again. This is another Munich,' and be the more stimulated in their aggression . . . ?

"It is hoped to obtain five years of easement in Palestine by this proposal; surely the consequences will be entirely the opposite. A sense of moral weakness in the Mandatory Power, whose many years of vacillation and uncertainty have largely provoked the evils from which we suffer, will rouse all the violent elements in Palestine to the utmost degree . . . What about these five years? Who shall say where we are going to be five years from now? Europe is more than two-thirds mobilized tonight. The ruinous race of armaments now carries whole populations into the military machine. That cannot possibly continue for five years, nor for four, nor for three years. It may be that it will not continue beyond the present year. Long before those five years are past, either there will be a Britain which knows how to keep its word on the Balfour Declaration and is not afraid to do so, or, believe me, we shall find ourselves relieved of many oversea responsibilities other than those comprised within the Palestine Mandate . . . "

Notwithstanding Churchill's eloquent denunciation, the policy of the MacDonald White Paper has been rigidly put into effect. Stark tragedies have resulted from it in the loss of Jewish life on the *S.S. Patria* and other ships freighted with hunted Jews from Hitlerized Europe striving desperately to reach safety and a resting place in their promised Homeland. The loyalty to Britain in the War which this cruel betrayal of the Jews was designed to secure from the Arab states and peoples did not materialize, as Churchill foresaw. Some months after the outbreak of the War, Iraq went over to the side of the Axis against Britain; and it took the force of British arms and the blood of British soldiers to overthrow its pro-Axis government and force the country

back, at least nominally, on the side of the United Nations. So, too, Arabic-speaking Egypt, occupying so vitally strategic a position on the lifeline of the United Nations, refused to muster its strength even to defend its own soil when invaded by the Axis. Even now, when the United Nations are well on the road to victory, Egypt is still "neutral". Likewise "neutral" have remained the Arab peoples of Palestine and of Syria, who, again, must perforce so remain, even if they wished to be actively pro-Axis, because of the presence of large United Nations' armies in their midst. The fugitive Mufti is openly supporting the Axis. Of all the peoples in the Near East, only the Palestine Jews have eagerly flocked to the colors of the United Nations in tens of thousands, just as the Jews of the world have been devotedly fighting in hundreds of thousands, and are giving their effort, treasure and lives to the achievement of the United Nations victory. The only and consistent complaint of the Palestinian Jews is that they are not permitted to do even more to this end.

The policy of the MacDonald White Paper is not international law, as it has not been authorized by the only body having the legal right to do so, namely, the Council of the League of Nations. Indeed, the Mandates Commission of the League has expressly declared it to be contrary to and violative of the Mandate. Neither has the United States yet assented to this virtual nullification of the Mandate in its most vital provisions and purpose. In putting this policy into effect against the disapproval of the Mandates Commission of the League of Nations and without the approval of the League Council and of the United States, Great Britain has clearly acted in contravention of established law, contrary to the terms of the Mandate, and against its own specific legal undertaking. Its action, at a time of a martyred people's desperate need, violates the fundamental humanity and decency of English tradition. The policy must therefore be regarded as only tentative and temporary; a policy which all right-thinking men and women must reject.

